IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7900 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HITECH INVESTMENT CASTING LTD

Versus

EMPLOYEE PROVIDENT FUND ORGANIZATION

Appearance:

1. Special Civil Application No. 7900 of 2004

MR GM JOSHI for Petitioner No. 1

MS RAO for for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 06/07/2004

ORAL JUDGEMENT

Rule. Learned advocate Mr.M.S.Rao appears and waives service of notice of rule on behalf of the respondent.

2. It is not in dispute that the impugned order dated 20th November 2003 passed under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act ("the said Act" for short) by the respondent as well as the order dated 5.4.2004 passed under section 7-B of the said Act are appealable before the Appellate Tribunal. The learned advocate for the petitioner submits that he is willing to file appeal, but he may be protected till the Appellate Tribunal takes up and decides his request for interim injunction.

3. The present petition, in my view, can be disposed of by permitting the petitioner to file appeal against the impugned orders. By way of interim arrangement, it is directed that the petitioner shall deposit with the respondent 25 per cent of the amount demanded within a period of four weeks from today. In case the petitioner prefers appeal before the Appellate Tribunal within a period of two weeks from today and also prays for interim injunction and waiver of requirement of pre-deposit, the respondent shall not take coercive action against the petitioner till such an application is disposed of by the Appellate Tribunal.

4. In view of the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

Direct service is permitted.

(Akil Kureshi, J.)
(vjn)